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LABOUR DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No.17/DL **Dated: 6/01/2005.**

NOTIFICATION

The draft of the Sikkim Minimum Wages Rules, 2004 which the State Government proposes to issue in exercise of the powers conferred by sub-section (1) of Section 30 of the Minimum Wages Act, 1948, (11 of 1948), is hereby published as required under sub- Section (1) of Section 30 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules would be taken into consideration after expiry of a period of 45 (forty five) days from the date on which the notification is published in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the State Government.

DRAFT RULES

Short title and commencment

1. (1) These rules may be called the Sikkim Mimimum Wages Rules,2004.
(2) They shall be deemed to have come into force on the 1st day of October, 2004

Definition

2. In these rules, unless the context otherwise requires,—

(1) (a) " Act" means the Minimum Wages Act, 1948;
(b) " Authority" means the authority appointed under sub- section (1) of section 20;
(c) " Board" means the Advisory Board appointed under section 7;
(d) " Chairman" means the Chairman of the Advisory Board or the Committee, as the case may be, appointed under section 9;
(e) " Committee" means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a Sub- committee appointed under that section;
(f) " form " means a form appended to these rules;
(g) " Inspector" means a person appointed as Inspector under section 19;
(h) " Section" means a section of the Act;
(2) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them under the Act.

CHAPTER II

Members and Staff and Meeting of the Board and Committee

Terms of office of the members of the Committee.

3. The terms of office of the members of the Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of the Committee, fix such terms and may, time to time, extend it as circumstances may require:

Provided that a person nominated to be a member of a Committee subsequent to its constitution shall hold office for the remaining period of the term of office of the members who were first appointed to such Committee.

Terms of office of Members of the Boards.

4. (1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be two years, commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

Provided further that a non-official member nominated to be a member of the Board subsequent to its constitution shall hold office for the remaining period of the term of office of the non-official members who were first appointed to such Board.

(2) A non- official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official member of the Board shall hold office during the pleasure of the State Government.

Nomination of the substitute member.

5. If a member is unable to attend a meeting of the Committee or the Board, the State Government or the Body which nominated him may, by notice in writing signed on its behalf addressed to the Chairman of the said Committee or the Board, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting.

Travelling allowance

6. A non – official member of the Committee or the Board shall be entitled to draw travelling allowances for any journey performed by him in connection with his duties as such member in accordance with the rules laid down in Sikkim Travelling Allowance Rules, 1980.

Appointment of officers and staff of the Committee or Board.

7. (1) The State Government may appoint a Secretary to the Committee or the Board and such other staff as it may think necessary , and may fix the salaries and allowances payable to them and specify their conditions of services.

(2) (a) The Secretary shall be the Chief Executive Officer of the Committee or the Board as the case may be . He may attend the meetings of such Committee or Board but shall not be entitled to vote at such meetings.

(b) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee or the Boards, as the case may be.

Eligibility for renomination of the members of the Committee and the Board.

8. An out – going member shall be eligible for renomination for the membership of the Committee or the Board, of which he was a member.

Resignation of the Chairman, members of the Committee and the Board and filling of casual vacancies.

9. (1) A member of the Committee or the Board , otherwise than the Chairman may, by giving notice in writing to the Chairman, resign from his membership.The Chairman may resign by a letter addressed to the State Government.

(2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of thirty days from the date of resignation, which ever is earlier.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board, the Chairman shall submit a report to the State Government immediately. The State Government shall then take steps to fill the vacancy.

Cessation and restoration of membership.

10. (1) If a member of the Committee or the Board fails to attend three consecutive meetings he shall, subject to the provision of sub- rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub- rule (1) , shall be given intimation of such cessation by letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committeee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the person shall be restored to membership immediately after a resolution to that effect is adopted.

Disqualification.

11. (1) A person shall be disqualified for being nominated as and being a member of the Committee or the Board, as the case may be-;

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the State Government thereon shall be final.

Meetings: -

12. The Chairman may, subject to the provisions of rule 13,call a meeting of the Committee or the Board, as the case may be at any time he thinks fit:

Provided that on a requisition in writing from not less than one half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

Notice of Meetings

13. The Chairman shall fix the date, time and place of every meeting,and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

Chairman.

14. (1) The Chairman shall preside at the meetings of the Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member, by a majority of votes, who shall preside at such meeting.

Quorum.

15. No business shall be transacted at any meeting unless at least one third of the members of which at least one representative of the employers and one representative of the employees are present:

Provided that when at any meeting no representative of the employers or employees has turned up or less than one –third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting, irrespective of number or class of members present.

Disposal of Business.

16. All business shall be considered at a meeting of the Committee, or the Board as the case may be, and shall be decided by a majority of the vote of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and securing written opinion of the members:

Provided further that no decision on any matter which is referred under the proceeding proviso shall be taken, unless supported by not less than a two-third majority of the members.

Method of Voting.

17. Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

Proceedings of the meeting.

18. (1) The proceedings of each meeting showing *inter alia* the name of the members present there at shall be forwarded to each member and to the State Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2)The proceedings of each meeting shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

CHAPTER III
Summoning of witnesses by the Committee, and the Board and Production of Documents

Summoning of witnesses and production of documents.

19. (1) The Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books,paper or other documents and things in his possession or under his control relating to them in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an Organization or employers or workers.

(3) A summons under this rule may be served,—

(a) in the case of an individual , by being delivered or sent to him by registered post;

(b) in the case of an employer's organization by being delivered or sent by registered post to the Secretary or other principal officer of the organization.

(4) The provisions of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee or the Board.

(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of summons under sub-rule (1) may be inspected by the Chairman and independent member and also by such parties as the Chairman may allow with the consent of the other party; but the information obtained there from shall not be made public:

Provided that nothing contained in these rules shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (45 of 1860)

Expenses of Witnesses : -

20. Every person who is summoned and appears as a witness before the Committee or the Board shall be entitled to an allowance for expenses incurred by him in accordance with scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV
Computation and Payment of Wages

Mode or computation of the Cash Value of Wages.

21. The average retail- prices in the district or sub-division where the place of employment is situated shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concessional rates. This computation shall be made in accordance with such directions as may be issued by the State Government from time to time.

Time and conditions of payment of wages and the deductions permissible from wages.

22. (1) (a) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day,-

(i) in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(ii) in the case of other establishments before the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable .

(2) Where the employment of any person is terminated by or on behalf employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated .

(3)The wages of an employed person shall be paid to him without deductions of any kind expect those authorized by or under these rules

(4) Every employer or a person authorized by him shall issue wage slip in From XV to every person employed by him at least a day prior to disbursement of wages

Explanation :- Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(5) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:-

(a) fines in respect of such acts and omissions on the part of employed persons as may be specified by the State Government by general or special order in this behalf;

(b) deductions for absence from duty;

(c) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodations supplied by employer or by the state Government for providing housing accommodation and for land for cultivation supplied by the employer ;

(e) deductions for such amenities and services supplied by the employers as the State Government may be general or special order authorize.

Explanation:- The words 'amenities' and 'Services' in this clause do not include the supply of tools and protective required for the purposes of employment;

(f) deductions for recovery of advances or for adjustment of over-payment of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case , shall the monthly installment of deduction exceed one fourth of the wages earned in that month

(g) deductions of income-tax payable by the employed person;

(h) deductions required to be made by order of a court or other competent authority;

(i) Deductions for subscriptions to , and for repayment of advances from any Provident Fund to which the Employees Provident Fund and, Miscellaneous Provisions Act, 1952 (Act 19 of 1952) applies or any recognized Provident Fund or any provident fund approved in this behalf by the State Government during the continuance of such approval;

(j) deductions for payment to co-operative societies or deductions made with the written authorization of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956);

(k) deductions for recovery or adjustment of amount other than wages paid to the employed person in error or in excess of what is due to him:

Provided that the prior approval of the Inspector or any other officer authorized by the State Government in this behalf is obtained in writing before making the deductions, unless the employed person gives his consent in writing to such deductions.

(6) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him in writing the

act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him in writing.

(7) The amount of fine or deduction mentioned in sub-rule (6) shall be such as may be specified by the State Government. All such deductions and all realizations thereof shall be recorded in a register maintained in Forms I, II, and III as the case may be. These registers shall be kept at the work-spot and maintained up-to-date. Where no fine or deduction has been imposed or made, in a wage period, a nil entry shall be made in the relevant register at the end of the wage period.

(8) Every employer shall send annually a return in Form III to the Labour Commissioner, Sikkim, as well as to the Inspector of the area concerned so as to reach them not later than 1st February following the year to which it relates.

(9)The amount of fine imposed under sub-rule (6) shall be utilized in accordance with the directions of the State Government.

(10)Nothing in these rules shall be deemed to affect the provisions of the Payment of Wages Act, 1936.

Publicity to the minimum wage fixed under the Act

23. (1) Notices in From XIII containing the minimum rates of wages fixed together with extracts from the Act and the rules made there under and the name and address of the Inspector shall be displayed in English and in a language understood by majority of the workers in the employment at the main entrance to the establishment and in its office in a clean and legible condition.

(2) In addition to the notices under sub-rule (1) every employer of Public Motor Transport shall exhibit a notice in From XII duly filled in and signed, on every public motor vehicles owned by him.

Form of registers and records.

24 (1) A register of wages shall be maintained by every employer which shall include the the following particulars, namely:—

(a) the minimum rates of wages payable to each employed person;

(b) number of days for which each employed person worked overtime for each wage period;

(c) the gross wages of each person employed for each wage period;

(d) all deductions made from wages with an indication in each case of the kinds of deductions mentioned in sub-rule (5) of rule 22;

(e) the wages actually paid to each employed person for each wage period and the date of payment

(2) Every employer shall get the signature or the thumb – impression of every person employed on the Register of Wages.

(3) Entries in the Register of Wages shall be authenticated by the employer or any person authorized by him in this behalf.

(4) An Overtime Register in Form IV shall be maintained by every employer.

Where no overtime wages are paid in a wage period, a nil entry shall be made in the Over time Register at the end of the wage period.

(5) A Muster Roll shall be maintained by every employer and kept in From V.

(6) A Register of Employees shall be maintained by every employer at the work spot in From XIV.

Production of register and other records.

25 (1) All registers and records for the preceding three years shall be preserved and produced on demand before the Inspectors:

Provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in his office or such other public place as may be nearer to the employer.

CHAPTER V
Claims under the Act

Application

26. An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed person, shall be made in duplicate in Forms VI and VII, as the case may be.

Authorisation

27. The authorization to act on behalf of an employed person or persons, under sub-section (2) of section 20 or sub –section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

Appearance of Parties.

28. (1) If an application under sub- section (2) of section 20 or section 21 is entertained the Authority shall serve upon the employer by registered post a notice in From IX to appear before him on a specified date with all relevant documents and witnesses, if any ,and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may hear and determine the application ex parte.

(3)If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (1).

Mode of deposit of any amount directed to be paid under section 20.

29. (1) Any amount directed to be paid under section 20 may be deposited with the the authority along with a statement in From X.
(2) When any deposit is made under sub-rule (1), the authority shall grant a receipt in From XI for the amount so deposited and this receipt shall be sufficient discharge in respect of any amount deposited with him:

Provided that the said receipt in From XI may be signed under the direction of the authority and on his behalf by any officer subordinate to him, appointed by him in writing for this purpose.

(3) Any sum deposited with the authority under sub-rule (1) or recovered under sub-section (5) of section 20 shall , on application, be paid by the authority to the person entitled thereto.

CHAPTER VI
Scale of costs in proceedings under the Act

Cost.

30. (1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.
(2)The cost which may be awarded shall include

(a) expenses incurred on account of court-fees;

(b) expenses incurred on subsistence money to witnesses ;and

(c) pleader's fees to the extent of one thousand rupees provided that the

Authority in any proceeding , may reduce the fees to a sum not less than five hundred rupees or for reasons to be recorded in writing increase it to a sum not exceeding two thousand–five hundred rupees.

(3)Where there are more than one pleader or more than one applicant or opponent the Authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

Court fees.

31- The Court fee payable in respect of proceedings under section 20 shall be-

(j) for every application to summon a witness- ten rupee in respect of each witness;
(ii) for every application made by or on behalf of an individual –ten rupee and
(iii) in the case of a application presented under the said section to the authority by a number of employees –twenty rupees

Provided that the Authority may, if in its opinion, the applicant is a pauper, exempt him wholly or partly from the payment of such fees;

Provided further that no fee shall be chargeable,

(a) from persons employed in Agriculture ; or

(b) in respect of an application made by an Inspector.

CHAPTER VII

Miscellaneous

Saving.

32. These Rules shall not apply in relation to any scheduled employment in so far as there are rules in force applicable to such employment which in the opinion of the State Government make equally satisfactory provisions for matter dealt with by these rules.

P.W. RINZING, SCS.
JOINT SECRETARY
LABOUR DEPARTMENT
GOVERNMENT OF SIKKIM
(F.NO. GOS/DL/3/98-99)

FORM I

[See rule 22 (7)]

Register of Fines

——————— Employer ———————

Sl No.	Name	Father's /Husband's	Sex	Department	Nature and date of offence for for which fine imposed	whether workmen showed cause against fine or not. If so enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realized	Remarks.
1	2	3	/4	5	6	7	8	9	10	11

FORM II

[See rule 22(7)]

Register of deduction for damage for loss caused to the employer, by the neglect or default of the employed persons

Employer

Sl.No.	Name	Father's Husband's Name	sex	Department	Damage or loss caused with date	whether worker showed cause against deduction if So, enter date and particular Of the person in whose Presence the cause was Shown	Date and amount of deduction imposed	Numbers of instilments, if any	Date on which total amount realized	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III

[See rule 22(7)]

Annual Return

Return for the year ending the 31st December _____

1. (a) Name of the establishment and postal address _____

   (b) Name and residential address of the owner/Contractor _____

   (c) Name and residential address of the Managing Agent /Director/Partner in charge of the day to day affairs of the establishment owned by a company body corporate or Association _____

   (d) Name and residential address of the Managing Agent, if any _____

2. Number of days worked during the year _____

* 3. Number of Mondays worked during the year _____

**4. Average daily number of persons employed during the year _____

   (i) Adults _____

   (ii) Children _____

***5. Total wage paid in cash _____

***6. Total cash value of the wages paid in kind _____

7. Deductions

	No. of cases	Total amount Rs. P
(a) Fines		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		

8. Disbursement for fines:

	Purpose Rs. P	Amount Rs. P
(a)		
(b)		
(c)		
(d)		
(e)		

9. Balance of the fund in hand at the end of the year _____

Dated _____ Signature _____

Designation _____

* This is the aggregate number of attendances during the years.

** The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendances during the year by the number of working days

*** Cash value of the wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at Consessional rates.

FORM IV

[See rule 24(4)

Overtime Register for workers

Month ending ——————————20——————

Sl.No.	Name	Father's/ Husband's Name	Sex	Designation and Department	Dates on which over-overtime Worked	Extent of Overtime on each occasion	Total overtime worked or production in case of piece workers	Normal hours	Normal rate of pay	Overtime time rate	Normal earnings	Over time earnings	Total earnings	Dates on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM V

[See rule 24(5)]

Muster Roll

Name of Establishment ——————————————————————

Sl. No	Name	Father's Husband Name	Sex	Nature of work	For the period ending——— 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Remarks

FORM VI

[See rule 26]

Form of Application by an employee under Section 20 (2)

In the Court of the Authority appointed under the Minimum Wages Act,1948, for _____ _____ area.

Application No _____ of 19 _____

(1) _____}

(2) _____} Applicants(s)

(3) _____}

(through_____a legal practitioner _____

official of _____

Address _____

Versus

(1)_____}

(2)_____} Opponent(s)

(3)_____}

Address_____

The Applicant(s) above named beg(s) respectfully to submit as follows:

(1) that,

(2) that,

The applicant(s) has (have) been paid wages at less than the minimum rate of wages.

The applicants(s) estimate(s) the value of the relief sought by him/them at the sum of Rs.

The applicants(s) pray (s) that a direction may be issued under sub –section (3) of section 20 for: -

(a) Payment of the difference between the wages due according to the Minimum rate of wages fixed by Government and the wages actually paid, and

(b) Compensation amounting to Rs_____

Date_____ _____

*** Signature or thumb-impression of the employees(s) or legal practitioner .**

The applicants(s) solemnly declare that what is stated above is true to the best to the best of his (their) knowledge, belief and information.

The verification is signed at_____on _____ day of

_____20_____

_____

@ **Signature or thumb-impression of the employees(s) or legal practitioner .**

FORM VII

[See rule 26]

Form of application by an Inspector or person acting with the permission Of the authority under section20 (2)

In the Court of the Authority appointed under the Minimum Wages Act, 1948,for _____area.

Application No_____of 20_____

(1) _____Applicant.

Address_____

Versus

(1)_____Opponent.

Address_____

The applicant is above named begs respectfully to submit as follows:

(1) that,

(2) that,
The opponent is bound to pay wages at the minimum rate of wages fixed by the

Government but he has paid less wages to the following employees:

(1)_____

(2)_____

(3)_____

The applicant estimates the value of the relief sought for the employees at at sum of Rs_____

The applicant prays that a direction may be issued under sub-section (3) of section 20 for :-

(a) Payment of the difference between the wages due according to the Minimum rate of wages fixed by Government of the wages actually paid;

And

(b) Compensation amounting to Rs_____

The applicant begs leave to amend or add to or make alterations in the application

If any, which necessary.

Date_____ Signature_____

The applicant does solemnly declare that what is stated above is true to the best of his

knowledge, belief and information. This verification is signed at _____ On_____date_____20_____

Note; When the application is by a group of employees, the thumb- impression or signatures of two of the applicants need be put on the application and a full list of applicants should be attached to the application.

FORM VIII

[See rule 27]

Form of authority in favour of a legal practitioner or any official

In the Court of the Authority appointed under the Minimum Wages Act, 1948 for _____area.

Application No _____of 20_____

(1)_____}

(2)_____} Applicants(s)

(3)_____}

Versus

(1)_____}

(2)_____} Opponents(s)

(3)_____}

I hereby authorize Mr._____, legal practitioner, an official of _____

to appear and act on my behalf in the above-described proceeding and do all things incidental to such appearing and acting

Date_____ _____

Signature or thumb –impression of
Employee.

FORM IX
[See Rule 28 (1)]

Form of Summons to the Opponent to appear before the Authority when an Application under sub-section (2) of section20 or under Section 21 is entertained

(Title of the application)

To,

_____

_____

_____

_____

(Name, description and place of residence)

Whereas _____has made the above said application to me under the Minimum Wages Act 1948, you are hereby summoned to appear before me in person or by a duly authorized agent, and able to answers all material question relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day 20_____at _____0'clock in the_____ noon , to answer the claim ; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day above mentioned, the application will be heard and determined in your absence.

Date_____ _____

Signature of the Authority

FORM X
(see rule 29 (1))
Form for Deposit

The sum of Rs _____(Rupees_____) is hereby presented for deposit in accordance with the direction issued on (date) in the matter of an application No_____of 20 _____ filed by _____(applicant) against _____

(Opposite Party).

Dated,_____ _____

Signature of the depositor

FORM XI
(See rule 29 (2))
Receipt

Name of depositor_____

Name of payee _____

No. of application _____ of 20_____

Name of applicant_____

Name of opposite party _____

Date of direction _____

Amount deposited-Rupees_____

Date of deposit _____

Authority,
Minimum Wages Act, Sikkim.

FORM XII
[See rule 23(2)]

Notice for exhibition on public Motor vehicles

(1). Name of employer_____

(2). Address_____

(3). Vehicle No_____

(a) Weekly rest day (a)

Group of employees	Day on which weekly Rest is allowed

(b) ***Working hours of employees***

Starting time	Interval for rest		Stopping time
	From	To	

(c) Time for payment of wages

(1) Date of payment of wages of monthly –paid employees_____

(2) Date of payment of wages of daily –rated employees_____

Date_____ _____

Signature of Employer

FORM XIII

[See Rule 23(1)]

Extracts from the Minimum Wages Act, 1948 and the rules made thereunder whom the Act affects

The Act applies to persons engaged on scheduled employment on specified class of work in respect of which minimum wages have been fixed. No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

Definition of Wages

'Wages' means the remuneration payable to an employed person on the fulfillment of his contract of employment. It includes house rent allowance, but excludes-

(i) the value of any house- accommodation, supply of light, water, medical attendance;

(ii) any other amenity or any service excluded by general or special order of the appropriate Government;

(iii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance;

(iv) any traveling allowance or the value of any traveling concession;

(v) any gratuity payable on discharge.

The minimum rate of wages may consist of—

(i) a basic rate of wages and special allowance called the cost of living allowance

(ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates;

(iii) an all-inclusive rate comprising of basic wages , cost of living allowance and cash value of concession, if any.

The minimum wages payable to employees of scheduled employment notified under section 5 read with section 3 or as revised form time to time under the aforesaid section may be,-

(a) a minimum time rate;
(b) a minimum piece rate;
(c) a guaranteed time rate;
d) an overtime rate;

differing with (a) different scheduled employments,(b) different classes of work, (c) different localities, (d) different wage periods and (e)different age groups.

Computation and Conditions of Payment

The employer shall pay to every employee engaged in scheduled employment under time wages at a rats not less than the minimum rate of wages fixed for class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorizes payment thereof either wholly or party in kind.

Wage periods shall be fixed for the payment of wages at intervals not exceeding one month.

Wages shall be paid on a working days within seven days of the end of the wage period or within ten days if 1000 or more persons are employed.

The wages of a person discharged shall be paid not later than the second working day after discharge.

If an employee is employed on any day for a period less than the normal working days he shall be entitled to receive wages for a full normal working day, provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force respect of each such class

Where an employee is employed on piecework for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

Fines and Deductions

No deductions shall be made from wages except those authorized by or under the rules , Deductions from the wages shall be one or more of the following kinds, namely:-

(i) Fines in respect of such acts and omissions on the part of employed persons as may be specified by State Government by general or special order in this behalf;

(ii) deductions for absence form duty;

(iii) deductions for damage to or loss of good expressly entrusted to the employed person for custody, or for loss of money for which he is required to account , where such damage or loss is directly attributable to his neglect or default;

(iv) deduction for house accommodation supplied by the employer or by the State Government or by any authority constituted by the State Government for providing housing accommodation and for land for cultivation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorize.

Explanation :- The words 'amenities' and services' in this clause do not include the supply of tools and protectives required for the purposed of employment;

(vi) deductions for recovery of advances or for adjustment of over payment of wages;

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) deductions of income-tax payable by the employed person;

(viii)deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (Act 19 of 1952) or any provident fund approved in his behalf by the State Government during the continuance of such approval;

(x) deductions for recovery or adjustment of amounts of other than wages,paid to the employed person in error or in excess of what is due to him;

Provided that the prior approval of the Inspector or any other officer authorized by State Government in this behalf is obtained in writing before making the deductions, unless the employed person gives his consent in writing to such deductions

Maintenance of registers and records

Every employer shall maintain a register of wages specifying the following particulars in respect of each employed person-

(a) the minimum rates of wages payable to each person employed;

(b) number of days for which each employed person worked overtime for each wage period;

(c) the gross wages of each person employed for each wage period;

(d) all deductions made for wages , with an indication , in each case of the kinds of deductions mentioned in sub- rule (5) of rule 22;

(e) the wages actually paid to each person employed for each wage period and the date of payment , Every employer shall get the signature or the thumb-impression of every person employed on the wage book.

Entries in the wage book shall be authenticated by employer or any person authorized by him in this behalf.

Inspections

An Inspector can enter into any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Claims and Complaints

A complaint under section 22(a) relating to payment of less than the minimum rates of wages or less than the amount due to an employed person under the provisions of the Act can be made to the court only after an application in respect of the facts constituting the offence has been present under section 20 and has been granted wholly or in part, and the appropriate Government or an officer authorized by it in this behalf has sanctioned the making of the complaint.

A complaint under section22 (b) or 22A regarding contravention of the Provisions relating to hours of work and weekly by of rest or other miscellaneous offences, etc; can be made to the Court by or with the sanction of an Inspector. The time limit for making such complaints is one month from the date of grant of sanction by the Inspector; in the case of offences falling under section22 (b) and six months form the date on which the have been committed, in the case of offences falling under section22A.

Action by the Authority

The Authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding ten times the amount of such excess. The Authority may direct payment of compensation in cases where the excess is paid before the disposal of the application.

If a malicious or vexatious complaint is made, the Authority may impose of penalty not exceeding rupees five hundred on the applicant and order that it be paid to the employer.

Every direction of the authority shall be final.

Penalties for Offences under the Act

Any employer who contravenes any provision of the Act or of any rule or order made there under shall, if no other penalty is provided for such contravention by the Act,be punishable with fine which may extend to five thousand rupees. If the person committing any offence under the Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in the Act shall render any such person liable to any punishment provided in the Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Notwithstanding anything contained in sub-section (I) of section 22 C where an offence under the Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manage, secretary, or other officer of the company, such director manager, secretary, or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in the Act shall render any such person liable to any punishment provided in the Act if he proves that the offence was committed with his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Notwithstanding anything contained in sub-section (1) of section22C where an offence under the Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager secretary or other officer of the company, such director manager, secretary, or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and published accordingly.

Explanation

(a) "company " means any body corporate and includes a firm or other association individuals; and

(b) "director " in relation to a firm means a partner in the firm.

Minimum Rates of Wages fixed

Name of undertaking

Serial No.	Category of employee	Minimum Wages

Name and Address of Inspector(s)

Name Address

FORM XIV

[See rule 24(6)]

Register of Employees

Name of Establishment_____

Name of Owner /Employer_____

Sl. No.	Name and surname Of employee	Age and Sex	Father's/Husband's Name	Name of employment designation	Permanent home address of empl-oyee (village, District, thana)	Dated of commence ment of employment	Date of termina tion or leaving of employment	Signature or thumb impr-ession of employee	Remarks
1	2	3	4	5	6	7	8	9	10

FORM XV
Wage Slip
[See rule 22 (4)]

Name of the establishment _____

Place _____

1. Name of employee with father's /husband's name _____
2. Designation _____
3. Wage Period _____
4. Rates of wages payable: _____

(a) Basic _____

(b) D.A. _____

5. Total attendance/units of work done _____
6. Overtime wages _____
7. Gross wages payable _____

8. Total deduction:

(1) _____

(2) _____

(3) _____

Total _____

9. Net wages paid _____

Pay –in-charge

Employer's signature or
Thumb-impression.

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